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REMARKS

SEP 06 2006

1. In the above-captioned Final Office Action, claims 2, 10, 13, and 17 were indicated as allowable if rewritten in independent form containing the subject matter of all intervening claims. Claims 1, 3-9, 11, 12, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) in view of Nieuwstadt et al. (U.S. Patent No. 6,397,587). These rejections are traversed and reconsideration is hereby respectfully requested.

2. Claim 1 is cancelled, and previously allowable but objected to claim 2 that previously dependent directly therefrom is amended to include all the limitations of claim 1. Therefore, claim 2 is allowable, and claims 3-6, 19, and 20 that are amended to depend on claim 2, are also allowable.

3. Claim 7 is cancelled, and previously allowable but objected to claim 10 that previously dependent directly therefrom is amended above to include all the limitations of claim 7. Therefore, claim 10 is allowable, and claims 8, 9, and 11-13 that are amended to depend on claim 10, are also allowable.

4. Claim 14 is cancelled, and previously allowable but objected to claim 17 that previously dependent directly therefrom is amended above to include all the limitations of claim 14. Therefore, claim 17 is allowable and claims 15, 16, and 18 that are amended to depend on claim 17, are also allowable.

5. No new subject matter is introduced by the amendments to the above claims. The cancellation of claims 1, 7, and 14 is not an admission that Nieuwstadt renders their limitations obvious, rather, the cancellation of claims 1, 7, and 14 reflects the Applicants' desire to expeditiously proceed and prosecute the remaining claims in this application.

6. Claims 1, 3-9, 11, 12, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) in view of Nieuwstadt et al. Claims 2, 10, and 17 that are rewritten in independent form are allowable over the teachings of Nieuwstadt because Nieuwstadt does not teach determining a value that is based on *engine speed, engine load, and fluid temperature*. as stated in said claims above. Therefore, claims 2, 10, and 17, and all claims that depend therefrom, are allowable.

7. The above amendment is necessary because it places the application in condition for allowance and was not previously entered because the Examiner first brought the grounds of rejection in the Final Office Action.

8. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 2-6, 8-13, and 15-20 is hereby respectfully requested.

Respectfully submitted,

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By:



Elias P. Soupos
Registration No. 57,375
Agent for Applicants
Voice: (708) 865-4178
Fax: (708) 865-3474